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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,477	01/15/2002	Yasumasa Nakajima	MIPFP001	3715

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EXAMINER	
QUIETT, CARRAMAH J	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,477	NAKAJIMA ET AL.	
	Examiner	Art Unit	
	Carramah J. Quiett	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) *40-57,60 and 61* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39,58 and 59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *see PTOL-326 pg 2*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Information Disclosure Statements Mail Dates: 5/13/2002, 11/27/2002, 3/25/2003, 8/15/2003, 11/10/2004, 07/05/2005

DETAILED ACTION

Election/Restrictions

1. **Claims 40-57 and 60-61** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/11/2005.

The Applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statements (IDS), filed on 5/13/2002, 11/27/2002, 3/25/2003, 8/15/2003, 11/10/2004, and 07/05/2005, have been placed in the application file, and the information referred to therein has been considered as to the merits.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 6-9, 11-14, 16-18, 20-22, 24-26, 28-30, 32-34, 36-38, 58 and 59** are rejected under 35 U.S.C. 102(e) as being anticipated by Nakatsuka (U.S. Pat. #6,229,625).

For **claim 1**, Nakatsuka discloses a graphics data generating device (fig. 1) for generating graphics data that is related to a graphics processing control parameter designating a graphics processing condition for graphics data, said graphics data generating device comprising:

an imaging device (10) configured to generate said graphics data (col. 4, line 59 – col. 5, line 7);

a selection mechanism (32, 34, 36) configured to enable a selection of a generation condition (image character information – fig. 2, col. 6, lines 4-40) when said imaging device generates said graphics data (col. 5, lines 30-43);

a memory (26, 28, 38, 40) configured to store a plurality of combinations, each combination composed of said generation condition and a plurality of said graphics processing control parameters (col. 5, lines 30-58);

an acquisition mechanism (20) configured to acquire said plurality of graphics processing control parameters for said designated generation condition (fig. 2; col. 6, lines 4-40); and

a data output mechanism (24, 30, 42) configured to relate said generated graphics data to said plurality of acquired graphics processing control parameters, and output the generated graphics data (col. 5, lines 30-43).

For **claim 2**, Nakatsuka discloses a graphics data generating device further comprising: a processor (fig.1, ref. 20/fig. 2) configured to modify a value of any graphics processing control parameter among said plurality of acquired graphics processing control parameters (col. 6, lines 4 – col. 7, line 7).

For **claim 3**, Nakatsuka discloses a graphics data generating device wherein said graphics processing condition is a condition for an output device that will output said graphics data (col. 5, lines 30-43; col. 6, line 66 – col. 7, line7).

For **claim 4**, Nakatsuka discloses a graphics data generating device wherein said graphics processing control parameters include at least parameters relating to color space, gamma correction value, contrast, brightness, color balance, saturation, sharpness, color cast, and noise elimination (col. 7, line 56 – col. 8, line 5).

Regarding **claim 6,** this claim is an apparatus claim corresponding to an apparatus claim 1. Therefore, apparatus claim 6 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding **claims 7-9**, these claims are apparatus claims corresponding to the apparatus claims 2-4, respectively. Therefore, apparatus claims 7-9 are analyzed and rejected as previously discussed with respect to claims 2-4, respectively.

Regarding **claim 11,** this claim is a method claim corresponding to an apparatus claim 1. Therefore, method claim 11 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding **claims 12-14**, these claims are method claims corresponding to the apparatus claims 2-4, respectively. Therefore, method claims 12-14 are analyzed and rejected as previously discussed with respect to claims 2-4, respectively.

For **claim 16**, Nakatsuka discloses a graphics data generating device (fig. 1) for generating graphics data that is related to a graphics processing control parameter set composed of a plurality of graphics processing control parameters designating a graphics processing condition for the graphics data, said graphics data generating device comprising:

an imaging device (10) configured to generate said graphics data (col. 4, line 59 – col. 5, line 7);

a selection mechanism (32, 34, 36) configured to enable a selection of a generation condition (image character information – fig. 2, col. 6, lines 4-40) when said imaging device generates said graphics data (col. 5, lines 30-43); and

a processor (fig.1, ref. 20/fig. 2) configured to generate said graphics processing control parameter set based on said generation condition, to relate said graphics data to said graphics processing control parameter set, and output the related graphics data (col. 5, lines 30-43; col. 6, lines 4 – col. 7, line 7).

Regarding **claims 17-18**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 17-18 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 20,** this claim is an apparatus claim corresponding to an apparatus claim 16. Therefore, apparatus claim 20 is analyzed and rejected as previously discussed with respect to claim 16.

Regarding **claims 21-22**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 21-22 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 24,** this claim is a method claim corresponding to an apparatus claim 16. Therefore, method claim 24 is analyzed and rejected as previously discussed with respect to claim 16.

Regarding **claims 25-26**, these claims are method claims corresponding to the apparatus claims 3-4, respectively. Therefore, method claims 25-26 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

For **claim 28**, Nakatsuka discloses a graphics data generating device (fig. 1) for generating graphics data that is related to graphics processing control information designating a graphics processing condition for graphics data, said graphics data generating device comprising:

an imaging device (10) configured to generate said graphics data (col. 4, line 59 – col. 5, line 7);

a selection mechanism (32, 34, 36) configured to enable a selection of a generation condition (image character information – fig. 2, col. 6, lines 4-40) when said imaging device generates said graphics data (col. 5, lines 30-43);

a memory (26, 28, 38, 40) configured to store a plurality of sets of said graphics processing control information, the graphics processing control information specifying a graphics processing control parameter set to be used for image processing of said graphics data, under said generation condition (col. 3, line 44 – 47; col. 5, line 30 – col. 6, line 3);

an acquisition mechanism (20) configured to acquire said graphics processing control information for said designated generation condition (fig. 2; col. 6, lines 4-40); and

a data output mechanism (24, 30, 42) configured to relate said generated graphics data to said acquired graphics processing control information, and output the related graphics data (col. 5, lines 30-43).

Regarding **claims 29-30**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 29-30 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 32,** this claim is an apparatus claim corresponding to an apparatus claim 28. Therefore, apparatus claim 32 is analyzed and rejected as previously discussed with respect to claim 28.

Regarding **claims 33-34**, these claims are apparatus claims corresponding to the apparatus claims 3-4, respectively. Therefore, apparatus claims 33-34 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

Regarding **claim 36,** this claim is a method claim corresponding to an apparatus claim 28. Therefore, method claim 36 is analyzed and rejected as previously discussed with respect to claim 28.

Regarding **claims 37-38**, these claims are method claims corresponding to the apparatus claims 3-4, respectively. Therefore, method claims 37-38 are analyzed and rejected as previously discussed with respect to claims 3-4, respectively.

For **claim 58**, Nakatsuka discloses a computer-executable program for generating graphics data that is related to a graphics processing control parameter designating a

graphics processing condition for graphics data (col. 5, line 30 – col. 6, line 3), wherein said computer-executable program implements functions comprising:

generation of said graphics data (col. 4, line 59 – col. 5, line 7);

designation of a generation condition (image character information – fig. 2, col. 6, lines 4-40) during generation of said graphics data (col. 5, lines 30-43);

storage of a plurality of combinations, each combination being composed of said generation condition and a plurality of said graphics processing control parameters (col. 5, lines 30-58);

acquisition of said plurality of graphics processing control parameters for said designated generation condition (fig. 2; col. 6, lines 4-40);

relation of the graphics data to said plurality of acquired graphics processing control parameters; and output of the related graphics data (col. 5, lines 30-43).

For **claim 59**, Nakatsuka discloses a computer-executable program for generating graphics data that is related to graphics processing control information designating a graphics processing condition for graphics data (col. 5, line 30 – col. 6, line 3), wherein said computer-executable program implements functions comprising:

generation of said graphics data (col. 4, line 59 – col. 5, line 7);

designation of a generation condition (image character information – fig. 2, col. 6, lines 4-40) during generation of said graphics data (col. 5, lines 30-43);

storage (26, 28, 38, 40) of a plurality of sets of said graphics processing control information, the information specifying a graphics processing control parameter set to be used for image processing of said graphics data, under said generation condition (col. 3, line 44 – 47; col. 5, line 30 – col. 6, line 3);

acquisition of said graphics processing control information for said designated generation condition (fig. 2; col. 6, lines 4-40);

relation of said graphics data to said graphics processing control information; and output of the related graphics data (col. 5, lines 30-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 5, 10, 15, 19, 23, 27, 31, 35, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuka (U.S. Pat. #6,229,625) in view of Takemura (U.S. Pat. Pub. #2003/0193598).

For **claim 5**, Nakatsuka discloses a graphics data generating device wherein said graphics data generating device is a photographic device (col. 4, lines 59-67). However, he does not teach that said generation condition is a picture mode in said photographic device. In a similar field of endeavor, Takemura teaches that said generation condition is a picture mode in said photographic device (figs. 1-5; col. 7, line 8 – col. 8, line 21). In light of the teaching of Takemura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the photographic device of Nakatsuka where the generation condition is a picture mode in order to provide a means for selecting a desired finish (Takemura, col. 3, lines 28-35).

Regarding **claims 10, 15, 19, 23, 27, 31, 35, and 39**, each of these claims correspond to apparatus claim 5. Therefore, apparatus claims 10, 15, 19, 23, 27, 31, 35, and 39 are analyzed and rejected as previously discussed with respect to claim 5.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patents and Patent Publications:

Ikeda (2002/0105582)	Electronic camera with a plurality of functions including capturing and recording images.
Keelan et al. (2003/0025811)	A method for customizing a camera for a demographic group.
Sato (6,650,365)	An image correction information recording device with a memory card that stores images and image processing information.
Nakajima (6,650,437)	An image processing system that stores image processing information.
Anderson et al. (6,914,625)	A digital imaging device with a memory, which stores image processing information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ
September 12, 2005